

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APIES – Sri Rasheed Baig, Principal(FAC) and Junior Lecturer in English, Government Junior College (G), Nizamabad – Punishment of reduction of pay by 4 stages under Rule 9 (vii) of APCS (CC&A) Rules, 1991 imposed by the C.I.E.,AP. Hyderabad - Appeal against the orders of the C.I.E.– Allowed – Orders – Issued.

Higher Education (IE.I) Department

G.O.Rt.No. 777

Dated: 23-10-2009
Read the following:

1. From the C.I.E. Proc. in Rc.No.Ser.II.A.2/3959/2005, dt.20.6.2007.
2. From Sri Rasheed Baig, J.L in English, G.J.C (B), Nizamabad, appeal dt.28.6.2007.
3. Govt. Memo.No.8195/VC.II/2007-7, dt.12.12.2007.
4. From the D.I.E. Lr. Rc.No.Ser.II.A.2/3959/2005, dt.3.11.2008.
5. From the Sri Rasheed Baig, J.L. in English, G.J.C(B), Wanaparthy, Mahaboobnagar Dist., reptn. dt.15.6.2009.

ORDER:

It has been brought to the notice of Director of Intermediate Education by the Deputy Accountant General, A.P. Hyderabad that an amount of Rs.23,000/- was withdrawn on 28.10.2004 from Caution Money Deposit and disbursed to 376 students of 2002-2004 batch by Sri Rasheed Baig, Junior Lecturer in English and Principal (Full Additional Charge) of the Government Junior College (G), Nizamabad. He made entry in the records to the effect that, the amounts were disbursed to the students on a single day on 29.10.2004. The Dy.AGAP has pointed out that disbursement of Caution Money Deposit funds to 376 former students on a single day causes some suspicion and request for further investigation. The District Vocational Education Officer, Nizamabad has enquired into the matter and submitted report on 6.12.2005 and confirmed that the CMD deposits has not been disbursed to the former 376 students and has been misappropriated by the FAC Principal. Basing on the District Vocational Education Officer's report, Sri Rasheed Baig, Principal (FAC) and Junior Lecturer in English, Government Junior College (Girls), Nizamabad has been placed under suspension on 9.1.2006.

2. Charge has been framed against him and he has submitted his defense statement denying the charges. The matter has been examined and the District Vocational Education Officer, Nizamabad has been appointed as Enquiry Officer to conduct the enquiry into the charge and submit his report.

3. The Enquiry Officer. has conducted enquiry and submitted his report in two spells i.e. on 23.10.2006 and 22.12.2006. The matter has been examined and a Show-cause notice has been issued to Sri Rasheed Baig, Principal (FAC) and Junior Lecturer in English, Government Junior College (Girls), Nizamabad while enclosing a copy of the enquiry report, calling for his explanation. The Sri Rasheed Baig, Principal (FAC) and Junior Lecturer in English, Government Junior College (Girls), Nizamabad has submitted his explanation stating that due to shortage non-teaching staff and his lack of experience as a Principal the postings in the Cash Book were booked on one day instead of different dates, though the Caution Money Deposit amount was disbursed to the students for 15 days. He therefore requested to excuse his lapse and drop further action against him.

4. The Director of Intermediate Education, A.P. Hyderabad has examined the matter and imposed a punishment of reducing the pay of Sri Rasheed Baig, Principal (FAC) and Junior Lecturer in English, Government Junior College (Girls), Nizamabad by four stages i.e. from Rs.18,805/- to 16,605/- . He was re-instated duty and posted to Government Junior College (B), Wanaparthy by the D.I.E., in his Proceedings 1st read above.

5. Aggrieved by the above orders, Sri Rasheed Baig, has preferred an appeal before the Government in his representations 2nd & 5th read above, where in he has stated that he was handicapped with non teaching staff in the College as they were not in a

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position to guide him. The Incharge of CMD Cash Book was an attender promotee and ill experienced. He too was an in experienced in such administrative matters as he was posted all of sudden as Incharge Principal of the College. Due to shortage non-teaching staff and his lack of experience as a Principal the postings in the Cash Book were booked on one day instead of different dates, though the CMD amount was disbursed to the students for 15 days. He has therefore requested to exonerate him from the charge and release all the benefits due to him.

6. The matter has been examined and it is observed as follows:

- i) The DVEO in his report dt.23.10.2006 stated that about 40 old students of 2002-04 batch expressed that they had received CMD from the charged officer.
- ii) The DVEO also took statements from the staff, some of whom have stated that they heard from students that they had received their deposits from the Charged Officer.
- iii) All the staff members expressed their satisfaction on the performance of C.o. as FAC Principal and no one deposed adverse against him.
- iv) The Enquiry Officer recommended minor penalty for his lapse in administration but not on the charge of misappropriation.
- v) The Charged Officer in his appeal has stated that the inquiry report dt.22.12.2006 was not communicated to him.
- vi) If further enquiry in terms of Rule 21(1) is ordered, it shall be as per Rule 20 with the involvement of the Charged Officer but not in his absence. Therefore the report dt.22.12.2006 has no locus standee.
- vii) When any appeal Petition is made, it would be appropriate for the disciplinary authority to send all the original records of enquiry in terms of Rule 36(3) to the appellate authority to examine the case as per Rule 37 of APCS (CC&A) rules, 1991.
- viii) There is no direct evidence on record to state that the Charged Officer has not disbursed the CMD to the old students. Therefore he is entitled for benefit of doubt.
- ix) Though, the disciplinary proceedings may be decided on the preponderance of probabilities, which may not be subject to strict proof, there needs to be corroborative evidence to state that the CMD has not been disbursed to the old students, especially when there is direct evidence that CMD has been disbursed to about 40 students.

7. Government after careful examination of the matter have decided to allow the appeal petition filed by Sri Rasheed Baig, Principal (FAC) and Junior Lecturer in English, Government Junior College (G), Nizamabad. Government therefore in supercession of the orders issued in the Memo 3rd cited, hereby set-a-side the punishment of reduction of pay by 4 stages imposed on Sri Rasheed Baig and drop further action against him entitling all his consequential benefits.

8. The Director of Intermediate Education, A.P. Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SURESH CHANDA
SECRETARY TO GOVERNMENT.

To

The Director of Intermediate Education, A.P. Hyderabad.

The individual through D.I.E., AP., Hyderabad.

The Accountant General of A.P. Hyderabad.

The Regional Joint Director of Intermediate Education, Warangal.

The District Treasury Officer, Warangal.

Copy to:

P.S. to M(SE)/ P.S. to Secy (SE)

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//FORWARDED BY ORDER//

SECTION OFFICER